

and ambiguous. Claim 53 was objected to for being indefinite and has been cancelled. Further, claims 1-24, 49, 51-70, 93-106, and 120-26 all stand rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,067,568 to Li et al. in view of U.S. Patent No. 6,101,548 to Okada. With regard to the double patenting rejection Applicants file terminal disclaimers herewith to remove the grounds for rejection. With respect, the objection to claims 99, 116 and 123 as well as to the rejection all pending claims under 35 U.S.C. §103, however, Applicants respectfully traverse.

Regarding the objection to claim 99, 116 and 123, applicants submit that there is no room for ambiguity. Each claim calls for either a step of or means for randomly generating an agent parameter configured to determining a behavior of an agent adapted to deliver e-mail, and storing that agent in a memory device. Each claim is straight forward, and concise. Therefore, applicants respectfully request that the Examiner's objections be withdrawn.

Turning to the rejection of the claims under 35 U.S.C. §103, applicants respectfully traverse. The claims stand rejected over U.S. Patent No. 6,067,568 to Li et al. in view of U.S. Patent No. 6,101,548 to Okada. However, Okada is not prior art for purposes of examining the present application. Okada has a U.S. filing date of May 13, 1998. The present application was filed on December 17, 1997, and has priority based on two Japanese applications, one filed June 9, 1997, and the other filed December 20, 1996. Thus, the Okada reference does not qualify as prior art under 35 U.S.C. §102(e). Because Okada does not qualify as prior art against the present application, the combination of Li et al. and Okada to reject the pending claims is improper. Since Li et al. standing alone does not teach or suggest the claimed invention as a whole, the rejection under 35 U.S.C. §103 is improper and should be withdrawn.

In light of the fact that the art cited against the claimed invention is not prior art for purposes of examining the present application, the claims pending in the present application are patentable as they currently stand. Applicants therefore submit that all of the pending claims are in condition for allowance and request that the Examiner allow the application to issue. However, if there are any remaining issues the Examiner is encourage to call Applicants'

attorney, Jeffrey H. Canfield at (312) 807-4233 in order to facilitate a speedy disposition of the present case.

Respectfully submitted,

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